

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 24, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING	5
ITEM-1: ROLL CALL	6
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
ITEM-30: Approval of Council Minutes	6
ITEM-31: Recognizing Seaforth Sportsfishing	7
*ITEM-32: Donna and Denis LeClair Day	8
ITEM-33: George "Frank" Exarhos Day	8
NON-AGENDA COMMENT	9
COUNCIL COMMENT	11
CITY ATTORNEY COMMENT	12
ITEM-50: Proposed Changes to the Permanent Rules of Council - Rule 1 (d) and Rule 3 of the San Diego Municipal Code Section 22.0101	13
ITEM-51: Use and Possession of Glass Etching Products and the Sale of Glass Etching Products and Aerosol Paint Containers	14
* ITEM-52: Dedicating Ashley Falls Neighborhood Park, Torrey Hills Neighborhood Park and 32 nd Street Mini Park, as Public Parks	14

Minutes of Monday, September 24, 2001
Table of Contents (Continued)

Page 2

* ITEM-53:	<u>Five</u> actions related to Dedicating Cabrillo Park North Mini-Park, Cabrillo Park South Mini-Park, Camino Ruiz Park, Plumosa Park, Starkey Mini-Park as Public Parks	15
ITEM-54:	Office Space Lease Agreement - Police Storefront	16
* ITEM-55:	Amending the Legislative Officers Retirement Program	17
*ITEM-56:	Removal of Painted Utility Markings in Public Rights-of-Way	18
ITEM-100:	<u>Two</u> actions related to Parcel Map TM-99-1025 (Jewell Village Townhomes) and Storm Drain Easement Abandonment, Subdivision Improvement Agreement.	19
ITEM-101:	Easement Grant - San Diego Gas & Electric Company Liberty Station/NTC.	21
ITEM-102:	Easement Grant - San Diego Gas & Electric Company - Navy/Marine Intranet Facility.	22
ITEM-103:	Underground Easement Grant - SDG&E - Sutherland Reservoir.	23
ITEM-104:	Sewer Group 632 - Easement Acquisition.	24
* ITEM-105:	Appoint Mr. Thomas Day and Ms. Pennie McLaughlin Carlos to the Local Enforcement Agency Hearing Panel.	25
ITEM-106:	Mary Chipps Day.	26
ITEM-107:	Local Law Enforcement Block Grant - FY 2001/2002.	27
* ITEM-108:	State Water Resources Control Board Proposition 13 Grant for Watershed Programs.	28
* ITEM-109:	California Arts Council's (CAC) Arts Education Demonstration Project Program.	30
ITEM-110:	Reprogram of Funds: Removal of Architectural Barriers for the Disabled - Contract S - to Fund the Construction of a Traffic Controlling Median in University City.	31

ITEM-111:	Traffic Signal Timing at 320 Intersections.	33
ITEM-112:	Traffic Signals and Street Lighting Systems at Carroll Canyon Road and Nancy Ridge Drive.	34
ITEM-113:	Traffic Signal and Street Lighting Systems at University Avenue and Van Dyke Avenue.	35
ITEM-114:	Protected/Permissive Left Turn Phasing at Various Signalized Locations.	37
* ITEM-115:	<u>Two</u> actions related to Tijuana River Valley 100-Year Flood Control Berm. ...	39
* ITEM-116:	Settlement of the Personal Injury Claims of Alex Khaibulin and Sima Zagalskaya.	41
* ITEM-117:	Amendment to Consultant Services Agreement with Latham and Watkins regarding Otay Acquisition v. City, S.D. Superior Case GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. 692794 and related matters	42
* ITEM-118:	Mira Mesa Boulevard and Pacific Heights Boulevard Construction Contract Termination	43
ITEM-119:	Pump Station Two Ozone Odor Control System One Year Pilot Study	45
ITEM-120:	Agreement with the University of San Diego for the Mission Bay Water and Sediment Testing Project	47
* ITEM-121:	South Bay Reclamation Sewer and Pump Station, Amendment No. 3	48
* ITEM-122:	<u>Two</u> actions related to Advertising for Bids for Sewer Pump Station No. 27 Restoration	50
* ITEM-123:	Advertising for Bids for the Barnett Avenue Trunk Sewer Replacement	53
ITEM-150:	<u>Two</u> actions related to Advertising for Bids for the Otay Water Treatment Plant Grading and Clearwells	55
ITEM-151:	City Council Support for State Senate Bill 187: Medical Marijuana Patient Registry	57

ITEM-200:	Pershing Middle School - Joint Use Agreement and Improvements	59
ITEM-201:	Ordinance Prohibiting Glass Beverage Containers Within Qualcomm Stadium Parking Facility.	59
ITEM-202:	Adobe Falls Water Pump Station - Contract Award	62
ITEM-203:	State of California Natural Communities Conservation Planning Grant Program	64
ITEM-204:	State of California Wildlife Conservation Board (WCB) Grant.	66
ITEM-205:	License Agreement Between the City of San Diego and CityNet Telecommunications, Inc	67
ITEM-206:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	68
PUBLIC NOTICES		70
ITEM-S400:	Cabrillo Festival Week	72
*ITEM-S401:	Amending the Schedule of Meetings for the City Council to Schedule a Quarterly Night Meeting at 4:00 p.m. on 10/1/2001; Canceling the Regularly Scheduled 2:00 p.m. Council Meeting of 10/1/2001; Ceremonial and Consent Items Will Be Moved to 10/2/2001.	72
ITEM-S402:	Paid Military Leave of Absence and Continued Benefits for City Employees Called to Active Duty	73
ITEM-S403:	Tony Gwynn Week	74
NON-DOCKET ITEMS		75
ADJOURNMENT		76

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. Mayor Murphy recognized and welcomed the visiting Military Officers of the Royal Defense College. The meeting was recessed by Mayor Murphy at 4:34 p.m. for purposes of a break. The meeting was reconvened by Mayor Murphy at 4:45 p.m. with Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 6:19 p.m. to Closed Session on Tuesday, September 25, 2001, at 9:00 a.m. in the 12th floor conference room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Reverend David Fenska of Covenant Presbyterian Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 08/06/2001
- 08/07/2001
- 08/13/2001 Adjourned
- 08/14/2001 Adjourned
- 08/20/2001 Adjourned

08/21/2001 Adjourned
08/27/2001 Adjourned
08/28/2001 Adjourned
09/03/2001 Adjourned
09/04/2001 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A075-078.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Recognizing Seaforth Sportsfishing.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-352) ADOPTED AS RESOLUTION R-295469

Recognizing Seaforth Sportsfishing for allowing hundreds of local children to
experience and enjoy fishing on the ocean; and commending Seaforth
Sportsfishing, the Park and Recreation Department and STAR/PAL for enriching
lives through quality programs like "Fishing 101."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A079-123.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

*ITEM-32: Donna and Denis LeClair Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-397) ADOPTED AS RESOLUTION R-295472

Commending Donna and Denis LeClair for their outstanding efforts which lead to their being named California Adopt-A-Highway Crew of the Year, and supporting and encouraging the mission and goals of the Adopt-A-Highway program;

Recognizing the accomplishments of Adopt-A-Highway volunteers Donna and Denis LeClair for improving the quality of life for the citizens of San Diego, and proclaiming September 24, 2001 to be "Donna and Denis LeClair Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-33: George "Frank" Exarhos Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-407) ADOPTED AS RESOLUTION R-295473

Commending George "Frank" Exarhos for 32 years of dedicated service to the City of San Diego;

Proclaiming September 24, 2001 to be "George 'Frank' Exarhos Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A185-345.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Judie Italiano requested that the Council review the comments made by Roger Hedgecock on his radio show and give some direction to the City Manager to contact Mr. Hedgecock and the sponsors of his show to let them know that what he said about the safety of our city's water supply, as well as the fine employees who work in the Water Department, is totally unacceptable to the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A528-552.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Nader Abuljebain requested that the City go a step further than what Judie Italiano requested and take legal action against Roger Hedgecock because his comments are affecting not only the citizens of the City of San Diego in general but also all Arab employees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A553-B056.)

PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER

Al Strohlien requested a non-profit report from the Parks and Recreation Department regarding the Thunder Boat races and a copy of the noise permit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B103-138.)

PUBLIC COMMENT-4:

Jim Varnadore stated that he has spoken many times before Council and has praised and smiled more often than he offered criticism. Mr. Varnadore thanked the Council for their leadership and requested that Non-Agenda Comment continue as often as possible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B142-167.)

PUBLIC COMMENT-5:

Billy Paul commented regarding a new piece of equipment to clean the sewers. He stated that the noise from the Thunder Boat races was not so bad; however, the noise from the fireworks is very loud. Mr. Paul also suggested that the Clairmont Hotel be designated as an historical site because at one time, people of color were not allowed in the hotel and it should stand as a reminder that people should not be hateful.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B169-207.)

PUBLIC COMMENT-6:

Beverly Walker expressed her concerns regarding pedestrian safety in San Diego. She stated that the statistics showed that San Diego had a very high pedestrian fatality count.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B208-251.)

PUBLIC COMMENT-7:

Gail Milliken thanked Council for their endeavor to improve disabled access, but more improvement is needed. She stated that there was a lack of accommodations in Chambers and at the jazz festival. Ms. Milliken stated that the limits to Non-Agenda Comments is disruptive to the community involvement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B280-325.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Maienschein announced that the "human flag" event at the stadium was an extraordinary experience and thanked the Jeff and Jer radio program for bringing people together in a time of need.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B371-396.)

COUNCIL COMMENT-2:

Council Member Madaffer thanked all the City employees, the City Manager, Steve Shushan, and Bill Wilson for their involvement in the “human flag” event at the stadium.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B397-412.)

COUNCIL COMMENT-3:

Council Member Peters announced that he attended a fund raiser at the polo fields for the victims of the terrorist attack. Mr. Peters stated that the money would be sent to the City of New York.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B413-425.)

COUNCIL COMMENT-4:

Mayor Murphy stated that \$2,000 was raised in less than a week for the victims of the terrorist attack. Mayor Murphy thanked the residents of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B426-441.)

CITY ATTORNEY COMMENT:

City Attorney Gwinn announced that he participated in a candlelight vigil in association with the Bar Association for the victims of the terrorist attack. Mr. Gwinn updated Council regarding the action being taken on the alcohol billboard violations and the closing of the F Street Bookstores at two locations.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B442-493.)

ITEM-50: Proposed Changes to the Permanent Rules of Council - Rule 1 (d) and Rule 3 of the San Diego Municipal Code Section 22.0101.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/10/2001. (Council voted 6-3. Councilmembers Atkins, Maienschein, and Frye voted nay.)

(O-2002-23) ADOPTED AS ORDINANCE O-18983 (New Series)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101 relating to the Permanent Rules of the Council, as follows:

- a) State that the Monday and Tuesday sessions are a single meeting;
- b) Subject to the exercise of the Mayor's discretion for a given agenda, Non-Agenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda;
- c) Change "docket" to "agenda" in the Permanent Rules of Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E494-F260.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-nay, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: Use and Possession of Glass Etching Products and the Sale of Glass Etching Products and Aerosol Paint Containers.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/10/2001. (Council voted 9-0.):

(O-2001-147) ADOPTED AS ORDINANCE O-18984 (New Series)

Amending Chapter V, Article 4, by amending Section 54.0402 and adding Section 54.0414; and by amending Chapter V, Article 8, of the San Diego Municipal Code by adding Division 2, by adding Sections 58.0201, 58.0202, 58.0203, 58.0204, and 58.0205, all relating to regulation on the Use and Possession of Glass Etching Products, and the Sale of Glass Etching Products and Aerosol Paint Containers.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E055-062.)

MOTION BY MAIENSCHIN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Dedicating Ashley Falls Neighborhood Park, Torrey Hills Neighborhood Park and 32nd Street Mini Park, as Public Parks.

(Carmel Valley, Scripps Ranch, and North Park Community Areas. Districts-1, 3, and 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 9/10/2001 to remove Cypress Canyon Neighborhood Park. (Council voted 9-0):

(O-2001-154) ADOPTED AS ORDINANCE O-18985 (New Series)

Setting aside and dedicating City-owned land, known as “Ashley Falls Neighborhood Park, Torrey Hills Neighborhood Park and 32nd Street Mini Park” for Public Parks.

FILE LOCATION: DEED F-9061

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-53: Five actions related to Dedicating Cabrillo Park North Mini-Park, Cabrillo Park South Mini-Park, Camino Ruiz Park, Plumosa Park, Starkey Mini-Park as Public Parks.

(Peninsula, Mira Mesa, and La Jolla Community Areas. Districts-1, 2, and 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 9/10/2001. (Council voted 9 - 0.)

Subitem-A: (O-2001-160) ADOPTED AS ORDINANCE O-18986 (New Series)

Setting aside and dedicating City-owned land, known as “Cabrillo Park North Mini-Park” in the City of San Diego, California, for a public park.

Subitem-B: (O-2001-161) ADOPTED AS ORDINANCE O-18987 (New Series)

Setting aside and dedicating City-owned land, known as “Cabrillo Park South Mini-Park” in the City of San Diego, California, for a public park.

Subitem-C: (O-2001-162) ADOPTED AS ORDINANCE O-18988 (New Series)

Setting aside and dedicating City-owned land, known as “Camino Ruiz Park” in the City of San Diego, California, for a public park.

Subitem-D: (O-2001-163) ADOPTED AS ORDINANCE O-18989 (New Series)

Setting aside and dedicating City-owned land, known as “Plumosa Park” in the City of San Diego, California, for a public park.

Subitem-E: (O-2001-164) ADOPTED AS ORDINANCE O-18990 (New Series)

Setting aside and dedicating City-owned land, known as “Starkey Mini-Park” in the City of San Diego, California, for a public park.

FILE LOCATION: SUBITEMS A - E: DEED F-9062 - F-9066

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-54: Office Space Lease Agreement - Police Storefront.

(Mid-City Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/10/2001. (Council voted 9-0.):

(O-2002-19) ADOPTED AS ORDINANCE O-18991 (New Series)

Authorizing the City Manager to execute a Lease Agreement with the New World Limited Partnership at an initial rent of \$5,971.37 per month, located at 5348 University Avenue, commencing May 1, 2001 and terminating April 30, 2008;

Authorizing the expenditure of \$11,942.74 from Fund 100 for FY2001.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - New World Limited Partnership

COUNCIL ACTION: (Tape location: E055-062.)

MOTION BY MAIENSCHIEIN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-55: Amending the Legislative Officers Retirement Program.

(See Theresa McAteer's memo dated July 19, 2001.)

MAYOR MURPHY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-149) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 8, 2001

Introduction of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code by Amending Division 1, Section 24.0103, and by amending Division 17, Sections 24.1701-24.1707, pertaining to the Legislative Officers Retirement System to include the elected City Attorney as a member of the program. The amendment also changes the name of the program to the "Elected Officers Retirement Program."

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 8/8/2001, RULES voted 4-0 to approve the City Attorney's recommendations contained in the City Attorney's report of July 19, 2001. (Councilmembers Atkins, Stevens, Madaffer, and Mayor Murphy voted yea. Councilmember Wear not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

*ITEM-56: Removal of Painted Utility Markings in Public Rights-of-Way.

(See Memorandum from the City Attorney dated 6/11/2001, and Memorandum from Councilmember Madaffer dated 4/25/2001.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2001-170) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 8, 2001

Introduction of an Ordinance amending Chapter VI, Article 2, of the San Diego Municipal Code, by amending Section 62.1105, adding a new Section 62.1106, and renumbering sections 62.1106 and 62.1107, all relating to the Placement and Removal of Utility Installation Markouts in the Public Right-of-Way.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 6/20/2001, PS&NS voted 5 to 0 to accept the Ordinance to control utility markings in our public right-of-way with the following amendment: Section 62.1106, Placement and Removal of Markouts - add to end of subsection (b): "or within sixty days if no construction or excavation work is conducted." (Councilmembers Atkins, Stevens, Maienschein, Frye, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

At the Public Safety and Neighborhood Services Committee meeting of June 20, 2001, the Committee voted unanimously to support a request by Councilmember Madaffer to amend the

Municipal Code in order to require that contractors who place markings in the public right-of-way, as required by State law, for the purpose of conducting excavation will be required: (1) to place these markings no sooner than (30) days prior to the excavation work; and (2) to remove these markings no later than (30) days after completing the work in question.

Russell

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-100: Two actions related to Parcel Map TM-99-1025 (Jewell Village Townhomes) and Storm Drain Easement Abandonment, Subdivision Improvement Agreement.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-396) ADOPTED AS RESOLUTION R-295474

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Jewell Village Townhomes, LLC, for the installation and completion of certain public improvements.

Subitem-B: (R-2002-395) ADOPTED AS RESOLUTION R-295475

Approving Parcel Map TM-99-1025 (Jewell Village Townhomes), including the abandonment of an unneeded storm drain easement.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a lot consolidation map of a 0.315 acre site into one parcel for condominium development. It is located north of Pearl Avenue on the west side of Herschel Avenue in the

La Jolla Community Plan area. This map requires City Council approval because an easement is being abandoned on the map.

The existing storm drain easement granted to the City of San Diego per document recorded June 13, 1923 in Book 934, Page 458 of Official Records, is no longer necessary because the design of the development does not require it. Staff has determined that the project is consistent with all previously approved permits.

On March 1, 2001 the Planning Commission approved Tentative Map TM-99-1025 by Planning Commission Resolution No. 3105-PC-2. The City Engineer has approved the parcel map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this map are shown in detail on Engineering Drawing No. 31053-1-D through 31053-2-D, filed in the Office of the City Clerk under Micro No. 141.12. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$37,849 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$750 has been posted as surety for the setting of survey monuments.

This project consisting of four townhomes is not expected to generate any new average daily trips on the roadway system since the project is replacing 4 existing cottages and rear second story units. Therefore, a project traffic information sheet is not provided.

Park fees in the amount of \$400 have been paid. This map is in Park Service District 11.500.

FISCAL IMPACT: None.

Loveland/Haase/GRB

FILE LOCATION: SUBITEMS A & B: SUBD - Parcel Map TM-99-1025
(Jewell Village Townhomes) (40)

COUNCIL ACTION: (Tape location: E063-068.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-101: Easement Grant - San Diego Gas & Electric Company - Liberty Station/NTC.

(Loma Portal Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-354) ADOPTED AS RESOLUTION R-295476

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground facilities and appurtenance for the transmission and distribution of electricity, and related purposes, affecting a portion of Parcel 14 as shown on Record of Survey Map No. 16556.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric has requested an underground electrical easement to provide service for the planned development of Liberty Station/NTC. The easement will contain an electrical switch, and will provide for continuous uninterrupted power to Liberty Station/NTC. The location is near the southeast corner of Rosecrans Street and Farragut Road (proposed). The easement is 22.66 feet wide, 33.45 feet long, and covers approximately 758 square feet. Since the requested facility will provide electrical service to Liberty Station/NTC, no compensation will be requested.

FISCAL IMPACT: None.

Herring/Griffith/ACG

FILE LOCATION: DEED F-9067

COUNCIL ACTION: (Tape location: E063-068.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Easement Grant - San Diego Gas & Electric Company - Navy/Marine Intranet Facility.

(Loma Portal Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-353) ADOPTED AS RESOLUTION R-295477

Authorizing the City Manager or his designee to execute, for and on behalf of the City of San Diego, an easement deed affecting a portion of Pueblo Lots 278 and 279, conveying to San Diego Gas & Electric Company, an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground facilities and appurtenance for the transmission and distribution of electricity, and related purposes, at the northerly end of Sherman Street, adjacent to 3970-80-90 Sherman Street. The new service will provide power to the Navy/Marine Intranet Facility currently under construction at the site.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric Company (SDG&E) has requested an easement to provide underground electrical service to a lessee of the City. The new service will provide power to the Navy/Marine Intranet Facility currently under construction at the site. The easement will contain a new transformer, a new switch, and the necessary underground conduit to connect to an existing SDG&E underground easement.

The location of the easement is at the northerly end of Sherman Street, adjacent to 3970-80-90 Sherman Street.

The transformer portion of the easement contains approximately 529 square feet, the switch easement contains 576 square feet, and the conduit area is 1,736 square feet. The total easement area requested is 2,841 square feet.

Since the requested easement will provide electrical service exclusively to a City lessee, no compensation will be requested.

FISCAL IMPACT:

None.

Herring/Griffith/ACG

FILE LOCATION: DEED F-9068

COUNCIL ACTION: (Tape location: E063-068.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Underground Easement Grant - SDG&E - Sutherland Reservoir.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-355 Cor. Copy) ADOPTED AS RESOLUTION R-295478

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground facilities and appurtenance for the transmission and distribution of electricity, and related purposes, affecting a portion of the East Half of the Northeast Quarter of Section 29, Township 12 South, Range 2 East, San Bernardino Meridian and a portion of the Southwest Quarter of the Northwest Quarter of Section 28, Township 12 South, Range 2 East, San Bernardino Meridian;

Declaring that the total compensation paid to the City for the easement, in the amount of \$1,400, shall be deposited into the Water Department Capital Outlay Fund 30246.

CITY MANAGER SUPPORTING INFORMATION:

SDG&E is asking for an approximately 20' by 12' easement under City-owned land in the Sutherland Reservoir area so they can provide electrical service to land owned by Tony Garzinski and Vaughn North who want to build a second home on the property. Water Utilities has approved the proposed easement and has determined that there are no current or future uses that would be affected by the easement. The total easement square footage is 240. The Valuation Section of the Real Estate Assets Department has determined that the 240 square foot easement has a nominal value of \$1,000 which has been paid along with \$400 easement processing fee.

FISCAL IMPACT:

\$1,400 will be deposited into the Water Department Capital Outlay Fund 30246.

Herring/Griffith/JAB

FILE LOCATION: DEED F-9069

COUNCIL ACTION: (Tape location: E063-068.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-104: Sewer Group 632 - Easement Acquisition.

(Mountain View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-370) ADOPTED AS RESOLUTION R-295479

Approving the acceptance of an Easement Deed of the Apostolic Assembly of the Faith of Christ Jesus, donating to the City a sewer easement across a portion of Lot D in Block 14 of Central Homestead, according to Map No. 358.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Replacement Group 632 is a sewer main replacement project located in the Mountain View Neighborhood Community. The project calls for the installation of 10,960 lineal feet of 8-inch and 10-inch sewer mains, replacing current 6-inch, substandard lines. A portion of the new lines crosses a private property located at 611 South 35th Street. While the majority of the replaced line falls within an existing easement, an additional 521 square feet in easement area is required for the re-alignment. This action will allow for the acceptance of the deed for the additional easement. This project will increase sewer capacity, thereby benefitting the subject property owner, as well as area residents served by the sewer line.

FISCAL IMPACT:

None. The affected property owner has elected to donate the required easement in exchange for the benefits to accrue to their property.

Herring/Griffith/SLG

FILE LOCATION: DEED F-9070

COUNCIL ACTION: (Tape location: E063-068.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Appoint Mr. Thomas Day and Ms. Pennie McLaughlin Carlos to the Local Enforcement Agency Hearing Panel.

(See memorandum from Mayor Murphy dated 8/30/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-410) ADOPTED AS RESOLUTION R-295480

Council confirmation of the following appointments by the Mayor to serve as members of the Local Enforcement Agency Hearing Panel, for terms ending as indicated and in categories indicated:

NAME

TERM ENDING

Pennie McLaughlin Carlos (Legal)
(Replacing Tom Behr who has resigned)

January 1, 2002

Thomas B. Day (Public at Large)
(Replacing David Merk whose term has
expired and is not eligible for reappointment)

January 1, 2003

Designating the current Hearing Panel Member Gary Stephany as the Technical
Expert.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the
following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-
yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-106: Mary Chipps Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-405) ADOPTED AS RESOLUTION R-295481

Recognizing Mary Chipps as an effective community activist and leader and
proclaiming September 14, 2001 to be "Mary Chipps Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B057-101.)

MOTION BY STEVENS TO ADOPT. Second by Frye. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Local Law Enforcement Block Grant - FY 2001/2002.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-301) ADOPTED AS RESOLUTION R-295482

Authorizing the Chief of Police to apply for, accept and expend the Fiscal Year
2001/2002 Local Law Enforcement Block Grant (LLEBG) funds;

Authorizing the Chief of Police to execute all aspects of program operation,
including any amendments, extensions, or renewals, for a period of up to five
years, provided funding is made available by the U.S. Department of Justice, and
to certify that the City will comply with all applicable statutory or regulatory
requirements;

Authorizing the City Auditor and the City Treasurer to transfer \$900,000 from the
grant funds to the County of San Diego to be used for the purpose of drug courts
and/or other authorized purposes;

Authorizing the Chief of Police to commit the required matching funds in
compliance with the requirements of the program.

CITY MANAGER SUPPORTING INFORMATION:

The Local Law Enforcement Block Grant (LLEBG) is appropriated from funding authorized by
the Crime Control and Law Enforcement Act of 1994, and is administered by the U.S.
Department of Justice, Bureau of Justice Assistance. Grant amounts are determined based on
jurisdiction population and crime index.

There is no application other than the one-page form, which is submitted electronically. The
grant does not require a specific program, timeline, evaluation or detailed budget.

SDPD has agreed to a County of San Diego request to transfer \$900,000 of these grant funds to the County to assist in funding the Drug Court program. The balance of funds will be used for police automation, vehicle, safety, laboratory, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

FISCAL IMPACT:

Funded by the Crime Act of 1994, and administered by the U.S. Department of Justice, Bureau of Justice Assistance, the grant provides federal funds of \$2,393,470, and requires a cash match of \$265,941. This match will be met from the Police Department's budget. The City will transfer \$900,000 from this grant to the County to assist in funding Drug Courts. Remaining grant funds will be spent for a variety of law enforcement purposes. There are no requirements for ongoing programs or expenses after the end of the grant.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B362-370.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: State Water Resources Control Board Proposition 13 Grant for Watershed Programs.

(North City Future Urbanizing Area (Subareas 1-5), Sabre Springs, Sorrento Hills, Carmel Valley, Torrey Pines, Rancho Peñasquitos, Carmel Mountain Ranch, Mira Mesa, Rancho Bernardo, University, Scripps/Miramar Ranch, Miramar Ranch North Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-331) ADOPTED AS RESOLUTION R-295483

Authorizing the City Manager to submit an application to the State Water Resources Control Board Proposition 13 Grant Program for Los Peñasquitos Master Watershed Plan.

CITY MANAGER SUPPORTING INFORMATION:

The State Water Resources Control Board (SWRCB) has made grants available for improving water quality through passage of the Costa-Machado Water Act of 2000 (Proposition 13). Article 2 of the Costa-Machado Water Act established the Watershed Protection Program to "provide funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats to restore natural systems of groundwater recharge, native vegetation, water flows, and riparian." According to the request for proposal, in order to further the watershed approach to management and efficient use of future resources, the SWRCB and RWQCB will award up to \$200,000 for the development of local watershed plans.

The City of San Diego in conjunction with the City of Poway, City of Del Mar, and the County of San Diego are proposing to establish a Master Watershed Plan that will identify specific water quality issues and propose measures to improve water quality within the Los Peñasquitos watershed. The Los Peñasquitos Lagoon, the receiving body for the watershed, is considered impaired by the California Unified Watershed Assessment. Stressors such as sedimentation and encroachment of urban development are resulting in changes to velocity and volume of stream flow as well as increased pollutants within urban runoff. Based on an assessment of existing conditions within the watershed, the Master Watershed Plan will identify specific locations for wetland enhancement and restoration projects as well as measures to address hydrology, including adjustments to stream flows, velocity and volumes. The projects recommended in the Plan would provide for long term solutions to water quality issues associated with the watershed.

The City of San Diego will contribute \$183,000 from an approved grant to complete restoration activities within Lopez Canyon which is a subbasin within a subwatershed to Los Peñasquitos. The City received a grant from the State Natural Communities Conservation Plan (NCCP) local assistance program to complete restoration activities. The goal of activities funded under the existing NCCP grant will be to reverse the effects of urbanization by reducing sedimentation and restoring flow velocities within the drainage to a more natural state. Activities to be funded include gabions, wier dams, and apron mattresses to reduce stream flows and volumes. Through

development of the Master Watershed Plan the City hopes to identify other subbasins within the watershed where restoration activities and other pollutant control measures similar to that proposed for Lopez Canyon can be implemented.

FISCAL IMPACT:

No fiscal impact would be associated with approving the grant application or development of the Master Watershed Plan. If the grant is approved, a total of \$200,000 would be received from the State Water Resources Control Board. City matching in-kind services would total \$183,000 consisting of work already funded by the State under the Natural Communities Conservation Plan (NCCP) local assistance program to complete restoration activities within Lopez Canyon (Council Resolution Number R-294299).

Uberuaga/Goldberg/KXG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-109: California Arts Council's (CAC) Arts Education Demonstration Project Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-343) ADOPTED AS RESOLUTION R-295484

Authorizing the City Manager to accept and administer \$117,000 in grant funds from the California Arts Council's (CAC) Arts Education Demonstration Project Program;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Contract Period: July 1, 2001 to June 1, 2002.

The City of San Diego Commission for Arts and Culture (Commission) has applied for a grant from the California Arts Council's (CAC) Arts Education Demonstration Project Program to support the San Diego Arts Education Partnership, a collaborative effort of the City of San Diego Commission for Arts and Culture, the San Diego Unified School (District) and San Diego's non profit arts and culture organizations.

The San Diego Arts Education Partnership is responsible for ensuring that a comprehensive education in the arts is offered to every student in the District through the development of new curriculum, teacher training programs and the inclusion of experiential learning opportunities provided by local arts and culture organizations. The Partnership is a public/private partnership charged with implementing elements of the San Diego Arts Education Partnership Plan, raising funds, organizing and implementing advocacy efforts and ensuring that the Partnership meets its goals and objectives. Finding will be used for overhead, marketing and consultant services to develop a business plan, build an advisory board, raise needed funds and facilitate the Plan's implementation.

FISCAL IMPACT:

None. No cash match is required.

Herring/Hamilton/LS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-110: Reprogram of Funds: Removal of Architectural Barriers for the Disabled - Contract S - to Fund the Construction of a Traffic Controlling Median in University City.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-312) ADOPTED AS RESOLUTION R-295485

Authorizing the City Auditor and Comptroller to increase the appropriation of CIP-52-461.0, Job Order 524623, Removal of Architectural Barriers for the Disabled - Contract S, in an amount not to exceed \$4,600;

Authorizing the reprogramming of an amount not to exceed \$4,600 from TransNet Fund 30300, CIP-62-279.0, Neighborhood Traffic Calming, to CIP-52-461.0, Removal of Architectural Barriers for the Disabled - Contract S;

Authorizing the expenditure of an amount not to exceed \$4,600 from Fund 30300, Job Order No. 524623, Removal of Architectural Barriers for the Disabled - Contract S.

CITY MANAGER SUPPORTING INFORMATION:

The proposed traffic controlling median is located in University City on Agee Street at Governor Drive. This work is needed to replace the existing cones with a raised concrete median strip. The proposed concrete median will provide a more aesthetic and effective barrier than the existing cones. The cost of this work is estimated at \$7,600 of which \$3,000 is already funded from DIF. City staff evaluated construction alternatives and found that it will be most effective to add this work to an existing construction contract in the area - Removal of Architectural Barriers for the Disabled, Contract S.

FISCAL IMPACT:

\$4,600 in funding has been identified in Job Order 622804, Neighborhood Traffic Calming.

Loveland/Belock/PB

Aud. Cert. 2200187.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E069-491.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-111: Traffic Signal Timing at 320 Intersections.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-299) ADOPTED AS RESOLUTION R-295486

Authorizing the City Manager to accept Program Supplement No. M162 to Administering Agency-State Agreement for Federal Aid Project No. 11-5004, Project Number CMLG-5004 (118), in the amount of \$240,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38689, for the purpose of collecting traffic data necessary for retiming 320 traffic signals at various locations throughout the City;

Authorizing the expenditure of an amount not to exceed \$240,000 from CIP-62-322.0, Fund No. 38689, for funding the preliminary engineering of the project, contingent upon receipt of a fully executed Program Supplement.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts \$240,000 of Federal Congestion Mitigation and Air Quality (CMAQ) funds to collect traffic data necessary for retiming 320 traffic signals at various locations in the City of San Diego. The traffic signals will be retimed for optimum traffic flow and reduced emissions, fuel consumption, and delay. Retiming will be done by budgeted City staff.

FISCAL IMPACT:

The cost of traffic data collection for this project is \$240,000, which is reimbursable by a Federal Congestion Mitigation and Air Quality (CMAQ) grant.

Loveland/Gonzalez/AH

Aud. Cert. 2200172.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E069-491.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-112: Traffic Signals and Street Lighting Systems at Carroll Canyon Road and Nancy Ridge Drive.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-317) ADOPTED AS RESOLUTION R-295487

Authorizing the City Manager to accept the Program Supplements and appropriate \$120,000 of Federal Hazard Elimination Safety funding under Surface Transportation Program Funds, Fund No. 38979, for the design and construction of Traffic Signals and Street Lighting Systems at Carroll Canyon Road and Nancy Ridge Drive;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-62-318.0, Construct Traffic Signal and Street Lighting Systems at Carroll Canyon Road and Nancy Ridge Drive; and by appropriating \$120,000 from Fund No. 38979, Surface Transportation Program, into CIP-62-318.0;

Authorizing the expenditure of an amount not to exceed \$120,000, Fund No. 38979, CIP-62-318.0, Construct Traffic Signal and Street Lighting Systems at

Carroll Canyon Road and Nancy Ridge Drive, contingent upon receipt of fully executed Program Supplements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend \$120,000 of Federal Hazard Elimination Safety funding under Surface Transportation Program (STP) grant, Fund 38979, for the construction of traffic signal and street lighting (TS/SL) systems at Carroll Canyon Road and Nancy Ridge Drive. A total of 23 locations, over the past two years, were submitted to CalTrans for Federal Hazard Elimination (HES) funding. These locations were selected from the unfunded traffic signals list, that met HES criteria for accident history, traffic volume, and severity of injuries. CalTrans selected this location based on HES criteria for accident history and severity of injuries. The cost of this project is estimated to be \$120,000 for design, construction, and construction engineering. This action further authorizes the City Manager to add the following project to the Fiscal Year 2002 Capital Improvement Program: CIP-62-318.0 (Fund 38979) TS/SL System at Carroll Canyon Road and Nancy Ridge Drive.

FISCAL IMPACT:

The total cost of this project is \$120,000, which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PB

Aud. Cert. 2200174.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E069-491.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-113: Traffic Signal and Street Lighting Systems at University Avenue and Van Dyke Avenue.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-315) ADOPTED AS RESOLUTION R-295488

Authorizing the City Manager to accept the Program Supplements and appropriate \$120,000 of Federal Hazard Elimination Safety funding under Surface Transportation Program Funds, Fund No. 38980, for the design and construction of Traffic Signals and Street Lighting Systems at University Avenue and Van Dyke Avenue;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-62-321.0, Construct Traffic Signal and Street Lighting System at University Avenue and Van Dyke Avenue; and by appropriating \$120,000 from Fund No. 38980, Surface Transportation Program, into CIP-62-321.0;

Authorizing the expenditure of an amount not to exceed \$120,000, Fund No. 38980, for the purpose of funding the design and construction of CIP-62-321.0, Construct Traffic Signal and Street Lighting Systems at University Avenue and Van Dyke Avenue, contingent upon receipt of fully executed Program Supplements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend \$120,000 of Federal Hazard Elimination Safety funding under Surface Transportation Program (STP) grant, Fund 38980, for the construction of traffic signal and street lighting (TS/SL) systems at University Avenue and Van Dyke Avenue. A total of twenty three (23) locations, over the past two years, were submitted to Caltrans for Federal Hazard Elimination (HES) funding. These locations were selected from the unfunded traffic signals list that met HES criteria for accident history, traffic volume, and severity of injuries. Caltrans selected this location based on HES criteria for accident history and severity of injuries. The cost of this project is estimated to be \$120,000 for design, construction, and construction engineering. This action further authorizes the City Manager to add the following project to the Fiscal Year 2002 Capital Improvement Program: CIP- 62-321.0 (Fund 38980) TS/SL System at University Avenue and Van Dyke Avenue.

FISCAL IMPACT:

The total cost of this project is \$120,000, which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PB

Aud. Cert. 2200175.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E069-491.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-114: Protected/Permissive Left Turn Phasing at Various Signalized Locations.

(Carmel Mountain Ranch, Centre City, Clairemont Mesa, Otay Mesa/Nestor,
Pacific Beach and Uptown Community Areas. Districts-2, 3, 5, 6 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-318) ADOPTED AS RESOLUTION R-295489

Authorizing the City Manager to accept an additional \$20,000 in Congestion
Mitigation and Air Quality Funds, Fund No. 38663, for Federal Aid Project No.
CMLG-5004 (090);

Amending the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-63-038.0 by \$20,000 in Fund 38663 - Congestion Mitigation and Air Quality Funds;

Authorizing the appropriation and expenditure of an amount not to exceed \$20,000 from CIP-63-038.0, Fund 38663;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In March, 1997 the City Council approved Resolution R-288467, authorizing the expenditure of \$141,000 of Congestion Mitigation and Air Quality (CMAQ) and Transportation Systems Management (TSM) funds for the design and construction of protected/permissive left turn phasing at seven locations throughout the City. The locations were:

Second Avenue & Broadway (Dist. 2, Centre City)
First Avenue & Washington Street (Dist. 3, Uptown)
Sixth Avenue & Laurel Street (Dist. 3, Uptown)
Bayard Street & Grand Avenue (Dist. 2, Pacific Beach)
Conference & World Trade Drive (Dist. 5, Carmel Mountain Ranch)
Clairemont Drive & Lakehurst Avenue (Dist. 6, Clairemont)
27th Street & Coronado Avenue (Dist. 8, Otay Mesa/Nestor)

Bids were opened in May, 1999. Although the low bid (Perry Electric) exceeded the construction cost estimate the project contained sufficient funds to cover the low bid and the construction contract was awarded. During construction it was determined that two locations required significant changes from the original design, including structural analysis, design and construction of a special foundation inside an underground parking facility at the southeast corner of Second Avenue and Broadway.

In order to cover the increased costs of this project, the City of San Diego requested, and was awarded, a further allocation of CMAQ funds in the amount of \$20,000 for a total grant award of \$161,000. This action is to authorize the acceptance and expenditure of the additional \$20,000 of CMAQ funds.

FISCAL IMPACT:

The total cost of this project is \$167,000 of which \$6,000 is from Fund 30303 and \$161,000 is reimbursable through CMAQ and TSM grant funds.

Loveland/Belock/PKB

Aud. Cert. 2200170.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E069-491.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Two actions related to Tijuana River Valley 100-Year Flood Control Berm.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-342) ADOPTED AS RESOLUTION R-295490

Authorizing the City Manager to execute the Project Cooperation Agreement with the Department of the Army for the construction of Tijuana River Valley 100-Year Flood Control Berm;

Authorizing the expenditure of an amount not to exceed \$210,000 from CIP-12-145.0;

Authorizing the City Manager to execute future amendments to the Project Cooperation Agreement provided that the amendments do not increase the amount authorized or provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2002-350) ADOPTED AS RESOLUTION R-295491

Declaring that Council has reviewed and considered the Finding of No Significant Impact (FONSI), prepared by the Army Corps of Engineers, including any comments received during the public review process.

CITY MANAGER SUPPORTING INFORMATION:

The Tijuana River Valley 100-year Flood Control Berm Project, CIP-12-145.0, provides for the City's 35% local match for the United States Army Corps of Engineers' Small Project Program to construct an earthen berm, approximately 3,300 feet in length, 30 feet in width and 6 feet in height, along the boundary of the homes at Sunrise Development complex, facing the Tijuana River, from International Road to Hollister Street. The City is responsible for the easement acquisition, and the United States Army Corps of Engineers is responsible for design and construction.

In 1993, a flood event impacted the Tijuana River Valley such that flood waters entered the tract housing (The Sunrise Development), a residential subdivision abutting the northern boundary of the Tijuana River floodway, and inundated approximately 20 homes in the development. The City's and the Tijuana River Valley Task Force's consultant, BSI Consultants, Inc., submitted a Flood Control and Infrastructure Study in November, 1994, for the permanent and long term flood control solutions in the valley. The study recommended the construction of an armored berm adjacent to the Sunrise Development because the potential for a 100-year flood event, which, if it should occur, would pose a threat to both life and property based on the hydraulic analysis of the existing conditions for 100-year flood event. This project represents one of the alternative solutions that were selected by the Tijuana River Valley Task Force as a permanent and long term flood control solution for the protection of the Sunrise Development. According to the Army Corps of Engineers, the estimated total cost of this project is \$600,000. The City's \$210,000 represents the required local match which has been appropriated in existing CIP-12-145.0. The indemnification clause in this cooperation agreement is a standard clause used in federal contracts such as this one and is different from the City's standard indemnification clauses. It requires the City to indemnify the federal government for damages arising from the Project, unless the federal government or its contractors are negligent or at fault.

FISCAL IMPACT:

The City's local match amount up to \$210,000 is available from existing CIP-12-145.0, Fund 30300.

Loveland/Belock/PB

Aud. Cert. 2200223.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-116: Settlement of the Personal Injury Claims of Alex Khaibulin and Sima Zagalskaya.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-298 Cor. Copy) ADOPTED AS RESOLUTION R-295492

A Resolution approved by the City Council in Closed Session on Monday, August 6, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$44,999.99 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Alex Khaibulin and Sima Zagalskaya (Superior Court Case No. GIC755764, Alex Khaibulin, et al v. Pedro Guerrero, et al.);

Authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$9,999.99 made payable to Alex Khaibulin and one in the amount of \$35,000 made payable to Sima Zagalskaya and their attorneys of record, Tanya K. Linton, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claims of Alex Khaibulin and Sima Zagalskaya against the City of San Diego, its agents and employees, as a result of an incident which occurred on April 18, 2000.

Lexin/Oliva/SF

Aud. Cert. 2200150.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-117: Amendment to Consultant Services Agreement with Latham and Watkins regarding Otay Acquisition v. City, S.D. Superior Case GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. 692794 and related matters.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-369) ADOPTED AS RESOLUTION R-295493

Authorizing an amendment to the Retainer Agreement with Latham and Watkins for consulting services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. 692794;

Authorizing the expenditure of an amount not to exceed \$2,800,000 from Liability Fund No. 81140;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action will amend the existing Latham and Watkins agreement for outside consultant services to defend the City in the matters of Border Business Park, Inc. and related litigation.

Lexin/Oliva/JLS

Aud. Cert. 2200256.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-118: Mira Mesa Boulevard and Pacific Heights Boulevard Construction Contract Termination.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-319) ADOPTED AS RESOLUTION R-295494

Authorizing the City Manager to execute a Termination and Release Agreement with Knox Electric, Inc.;

Authorizing the City Auditor and Comptroller to reprogram TransNet Fund 30300 from CIP-62-298.0, Clairemont Left Turn Pockets, to CIP-68-011.0, Modernize Top 5-10 Prioritized Traffic Signals, in an amount not to exceed \$45,000;

Authorizing the increased appropriation and expenditure of an amount not to exceed \$45,000 from CIP-68-011.0, Modernize Top 5-10 Prioritized Traffic Signals, for the purpose of designing and constructing the traffic signal modification at Mira Mesa Boulevard and Pacific Heights Boulevard Project, Sublet CIP-68-111.4;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action will terminate the contract with Knox Electric Incorporated (K99246) for the Construction of Traffic Signal Modification at Mira Mesa Boulevard and Pacific Heights Boulevard. Both parties desire to terminate the contract in that they have been unable to negotiate terms for a significant change in the scope of the work which came about after the contract was awarded. After the contract was awarded, but before work commenced, it was determined that night work and additional control devices should be used, given the current traffic conditions on Mira Mesa Boulevard. These elements were not specified in the bid/contract documents (not typically required with most traffic signal modifications, but subsequently deemed needed here) and required the parties to either mutually agree on a change order at the start of the contract or to terminate the contract if unable to make the required changes to the scope and price. Several meetings occurred to attempt to resolve the contract issues, but were not successful in coming to terms agreeable to both parties. Additionally, the scope of the changes and the resultant amount of the increase proposed by the contractor justify re-bidding the project. Therefore, the parties mutually agreed to pursue terminating the contract in accordance with Section 6-5, Termination of Contract, of the Standard Specifications for Public Works Construction (Green Book).

The termination agreement includes a settlement cost of \$3,500 to the contractor for the cost of securing the initial bonds and traffic control permit.

FISCAL IMPACT:

The project scope has increased and additional funding of \$45,000 is needed and is currently available in CIP-62-298.0. Included in this increase is the estimated total cost to terminate the agreement of \$3,500.

Loveland/Belock/PB

Aud. Cert. 2101179.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-119: Pump Station Two Ozone Odor Control System One Year Pilot Study.

(Midway/Pacific Highway Corridor. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-360) CONTINUED TO TUESDAY, OCTOBER 2, 2001

Authorizing the City Manager to execute an agreement with Pacific Rim Design and Development, Inc., for an ozone odor control pilot study;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$330,000 from Fund No. 41509, CIP-41-926.0, to Operations and Maintenance Fund No. 41508, Department 771, Org. 170, Job Order 2170, Object Account 4222;

Authorizing the expenditure of an amount not to exceed \$330,000 from Operations and Maintenance Sewer Fund No. 41508, Dept 771, Org 170, Job Order 2170, Object Account 4222.

CITY MANAGER SUPPORTING INFORMATION:

The objective of this project is to test a new odor control treatment technology using ozone (hydroxyl radicals) for removal of hydrogen sulfide (H₂S) and to verify whether this technology is more cost-effective than the existing sodium hypochlorite mist scrubbing system at pump station 2 in meeting or exceeding Air Pollution Control District (APCD) permit requirements. This project will also include a retrofit of the existing odor control scrubber system to ensure compatibility with the proposed pilot study ozone odor control system, and upgrades to the existing system which are being required by APCD to provide a reliable back up system to the pilot study during the duration of the one year test.

Data will be collected to verify this system's effectiveness in removing Volatile Organic Compounds (VOCS) in order to support the removal of the carbon absorption process from the existing odor control system. The data will be collected during the one year trial period and summarized in a final report that will be provided to the City at the end of the trial period to determine whether the goals of the test have been met. If proven effective, the new ozone odor control system will:

- ! Provide a more efficient and reliable removal technology for hydrogen sulfide and other odor and toxic compounds commonly found in wastewater-related foul air;
- ! Reduce operating and maintenance cost;
- ! Reduce chemical and energy usage in support of ISO14001 goals; and
- ! Reduce space requirements for equipment.

The action requested is approval of a contract with Pacific Rim in the amount of \$330,000.

FISCAL IMPACT:

The total cost of this action is \$330,000 from the FY2002 Operating Budget, Fund 41508, Dept. 771, Org 170, Job Order 2170, and Object Account 4222.

Loveland/Tulloch/MIF

Aud. Cert. 2200251.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A348-396.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, OCTOBER 2, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-120: Agreement with the University of San Diego for the Mission Bay Water and Sediment Testing Project.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-366) ADOPTED AS RESOLUTION R-295495

Authorizing the City Manager to execute an agreement with the University of San Diego (USD) for consultant services for the Mission Bay Water and Sediment Testing Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$200,000 from the Sludge Mitigation Fund No. 10507.

CITY MANAGER SUPPORTING INFORMATION:

The California Coastal Commission determined that the Fiesta Island sludge beds were inconsistent with the goals of the Local Coastal Program and mitigation fines were levied against the City until the sludge beds were moved.

In October 1999, the California Coastal Commission approved the use of sludge mitigation funds for sediment and water quality testing in Mission Bay. In 2000, an ad hoc water quality committee of the Mission Bay Park Committee developed recommendations for the Mission Bay sediment and water quality testing project. Because past data was collected by a myriad of agencies, municipalities and groups, results were often inconclusive and/or incompatible and thus meaningful results could not be obtained.

The proposed research project will develop a baseline of Mission Bay water and sediment quality monitoring data and analyze the relation between monitoring data and environmental

factors in the watershed. The project will also document the abundance and diversity of animals living in the water and mud from six sites. A citizen monitoring program will be established to educate students and volunteers who will conduct the water quality sampling and field testing. The purpose of the citizen involvement is to demonstrate how the impacts from urban runoff and other pollution sources can affect human health and the environment.

The work will be performed by the University of San Diego (USD). Sub-consultants include AMEC Earth and Environmental (to perform toxicology and benthic sampling), and San Diego Baykeeper (responsible for water column sampling). The estimated budget breakdown for services rendered is as follows: USD - \$79,400; AMEC \$88,960; and Baykeeper - \$31,640. Analysis of collected data will be combined in a comprehensive report that will be provided in May, 2003.

The proposed scope of work is consistent with the ad hoc water quality committee's recommendations. This work will complement other research in Mission Bay currently being conducted by USD. Additionally, the Park and Recreation Department will use this project data in the update of the Mission Bay Natural Resources Management Plan.

FISCAL IMPACT:

Funds in the amount of \$200,000 are available from the Sludge Mitigation Fund.

Loveland/Anderson/RK

Aud. Cert. 2200145.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-360.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: South Bay Reclamation Sewer and Pump Station, Amendment No. 3.

(See City Manager Report CMR-01-106. Otay Mesa/Nestor, San Ysidro, Tijuana River Valley. District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-359) ADOPTED AS RESOLUTION R-295496

Authorizing the City Manager to execute a third amendment to the agreement of June 12, 1995, with Berryman & Henigar (formerly BSI Consultants, Inc.) for design services in connection with the South Bay Reclamation Sewer and Pump Station;

Authorizing the expenditure of an amount not to exceed \$100,000 from Fund No. 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-285940, adopted on June 12, 1995, authorized the City Manger to execute a contract with Berryman & Henigar for design services and services during construction. Amendment No. 1, adopted on February 18, 1997, Council Resolution R-288348, was required due to the need to provide state-of-the-art enhanced odor control system design, revisions of Civil, Mechanical, Structural, Instrumentation and Controls, Phase I Environmental Site assessment (EAS) for the corridor along the force mains, and design and implementation of public art. Council Resolution R-291714, adopted on June 1, 1999, authorized the City Manager to award the contract to the lowest responsible bidder, PCL Civil Constructors, Inc. Amendment No. 2, adopted on August 2, 1999, Council Resolution R-292046, was required due to modifications of the scope of services during construction and revisions to the pump station final plans and specifications to receive additional flow from the Otay River Pump Station.

Amendment No. 3 is required due to modifications of the scope of services during the start-up and testing of the pump station along with preparation of a Hazardous Materials Business Plan and Standard Operating Procedures Manual. This amendment will also include development of a one year project certification report for the grant as required by conditions of the Environmental Protection Agency (EPA) for grant funded projects.

The request for additional services is due to the need to have the design team's direct involvement during the start-up and testing of the station, preparation of additional plans and manuals to accommodate the Operations and Maintenance staff needs, and development of a project certification report required by the EPA for a period of one year after the project is completed. Furthermore, this request will include consultant services due to extension of the contract completion from June 11, 2001 to September 14, 2001.

FISCAL IMPACT:

This action will result in an additional expenditure of \$100,000 in FY 2002, resulting in a revised total contract amount of \$2,651,937. Funding for Amendment No. 3 is available from CIP-40-911.3, South Bay Reclamation Sewer and Pump Station.

Loveland/Tulloch/MR

Aud. Cert. 2200247.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-122: Two actions related to Advertising for Bids for Sewer Pump Station No. 27 Restoration.

(See Frank Belock, Jr.'s 5/24/2001 memo and Frequently Asked Questions about Group Jobs. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1761) ADOPTED AS RESOLUTION R-295497

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the restoration of Sewer Pump Station 27 on Work Order No. 174311;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder;

Authorizing the expenditure of an amount not to exceed \$2,375,642 from the Fiscal Year 2001 and Fiscal Year 2002 budgets in Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01121)

Subitem-B: (R-2001-1762) ADOPTED AS RESOLUTION R-295498

Certifying that Mitigated Negative Declaration LDR-41-0286 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; and that the information contained in the report has been reviewed and considered by Council;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3-0 to approve the project. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station 27 is located in Laureate Park at 2211 Avenida de la Playa between El Paseo and El Paseo del Ocaso in the La Jolla Community area. This project was presented to the community during design. This pump station was constructed in 1972 and has exceeded its service life. The project's goal is to restore and improve the reliability of the pump station and bring it up to current standards and regulations. It consists of rehabilitation of the existing underground pump station, construction of a new underground structure for emergency generator and emergency storage tank, and a new secondary force main of approximately 380 feet long. During construction, a screened fence in the park will secure the work area. The contractor will be required to provide Traffic Control Plans for the project to the City of San Diego's Traffic Signal Design & Traffic Control Section for approval. During the construction phase of the project, the contractor will be working between 8:30 a.m. and 3:30 p.m., Monday to Friday. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

FISCAL IMPACT:

Total estimated cost of this project is \$2,613,050; of this amount, \$534,408 is for engineering and related services, \$1,979,659 for construction, and \$98,983 for contingencies. The City Council previously authorized \$237,408 by Resolution R-289906. This request is for \$2,375,642. Funding is available in FY 2001 and FY 2002 Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. This project will be phase funded.

Loveland/Belock/HR

FILE LOCATION: SUBITEMS A & B: W.O. 174311

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-123: Advertising for Bids for the Barnett Avenue Trunk Sewer Replacement.

(See Frank Belock's memo dated 7/12/2001. Midway Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-190) ADOPTED AS RESOLUTION R-295499

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Barnett Avenue Trunk Sewer Replacement on Work Order No. 174541;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$494,650 from Sewer Fund 41506, CIP-46-202.0, Barnett Avenue Trunk Sewer Replacement, for FY 2002, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02011C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve the projects as listed in Frank Belock's July 12, 2001 memo and coordinate with redevelopment staff on a proposal to narrow Enterprise Street. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Barnett Avenue Trunk Sewer is located in the Midway/Pacific Highway Corridor Community Planning area, within the City of San Diego. The existing techite 24-inch trunk sewer was constructed in 1971, has structural deficiencies including cracks and collapsed on several occasions requiring immediate attention. The section located on the intersection of Barnett Ave. and Midway Dr. will be rehabilitated, and the section located in Jessop Lane. and Enterprise St. will be replaced via open trench. Replacement of this deteriorated trunk sewer will continue to provide the community with a safe and reliable infrastructure.

The project is bordering the Midway and the Peninsula Community Planning areas. Presentations about the project were provided to the planning boards. Residents will be notified by mail at least one month prior to construction by the City and ten working days prior to construction by the contractor. A traffic control plan will be prepared and implemented by the contractor during the construction phase. All construction activities on Midway and Barnett will be completed by trenchless technologies. Access to the existing sewer will be through the existing manholes.

FISCAL IMPACT:

The total estimated cost is \$494,650 of which \$137,500 is for engineering and related services, \$324,650 is for construction, and \$32,500 for contingencies. Funding is available in FY 2001 and FY 2002 Sewer Fund 41506, CIP-46-202.0 for this purpose. This project will be phase funded.

Loveland/Belock/HR

WWF-01-523.

FILE LOCATION: W.O. 174541

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-150: Two actions related to Advertising for Bids for the Otay Water Treatment Plant Grading and Clearwells.

(See Larry Gardner's 6/8/2001 memo. Otay Mesa Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-385) ADOPTED AS RESOLUTION R-295500

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of the Otay Water Treatment Plant (WTP) Mass Grading and Clearwell Storage on Work Order No. 180901;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$12,868,717 from Water Fund 41500, CIP-73-250.0, Mass Grading and Clearwell Storage; and \$1,750,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the use of City forces in an amount not to exceed \$202,500 to shutdown existing pipelines and the treatment plant as needed, and install temporary bypass piping;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02022C)

Subitem-B: (R-2002-386) ADOPTED AS RESOLUTION R-295501

Certifying that Mitigated Negative Declaration LDR-40-0932 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Approving the LDR Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the County Clerk's Office.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/13/2001, NR&C voted 4-0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In August 1997, the City Council approved the Strategic Plan for Water Supply that included a water resources strategy to meet water demands through 2015, and an associated Capital Improvement Program to replace, upgrade and expand key water system facilities. One of the upgrades to the Otay Water Treatment Plant (WTP) identified in the Strategic Plan is the Mass Grading and Clearwell Storage project. This upgrade is required to comply with state and federal water quality regulations and the City of San Diego's compliance order from the California Department of Health Services.

The Mass Grading and Clearwell Storage project will construct two concrete 6.5 million gallon treated water storage clearwells on the existing Otay WTP property. The proposed clearwells will provide additional onsite storage capacity to the Otay water service area; improve the operational flexibility of the treatment plant; and provide an additional method to disinfect the treated water before it enters the distribution system. Each circular clearwell will be approximately 180 feet in diameter and 35 feet in height. Grading is required to prepare the site for the clearwells construction.

Construction is scheduled to begin in the fall of 2001 and be completed by the fall of 2003. The Water Department's public outreach program will be used to communicate and coordinate construction impacts with the neighboring community. In addition, the Water Department is in the process of obtaining a site development permit from the Development Services Department, in accordance with Section 126.0502(a)(1) of the Land Development Code.

FISCAL IMPACT:

Funding for the construction contract and related costs in the amount of \$12,868,717 is available from Water Fund 41500, CIP-73-250.0, Mass Grading and Clearwell Storage and in the amount of \$1,750,000 is available from Water Fund 41500, CIP-73-331.0, Annual Allocation Water Pooled Contingency.

Belock/Gardner/NMK

FILE LOCATION: SUBITEMS A & B: W.O. 180901

COUNCIL ACTION: (Tape location: D567-580.)

MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-151: City Council Support for State Senate Bill 187: Medical Marijuana Patient Registry.

(See Medical Marijuana Task Force memo dated 7/24/2001, Task Force Progress Report dated 8/8/2001, Task Force 6/22/2001 Meeting Summary, Task Force 5 Subcommittees.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-368) ADOPTED AS RESOLUTION R-295502

Declaring that the City supports the passage of State Senate Bill 187 (SB 187), which would require the State Department of Health Services to establish and maintain a voluntary medical marijuana qualified patient registry and identification system, into law;

Directing the City Manager to communicate the City's support for SB 187 to the appropriate representatives in Sacramento.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 8/8/2001, PS&NS voted 4-1 to take the following actions:

A) Direct the City's Medical Marijuana Task Force to: format a plan for a Medicinal Marijuana Patient Identification Card; work with the San Diego Police Department and County District Attorney to coordinate this plan; return to the Public Safety and Neighborhood Services Committee with the details of the proposed plan.

B) Forward to the full City Council a resolution of support for State Senate Bill 187.

(Councilmembers Atkins, Stevens, Frye and Inzunza voted yea. Councilmember Maienschein voted nay.)

SUPPORTING INFORMATION:

At the Public Safety and Neighborhood Services Committee meeting of August 8, 2001, the Committee heard a report from the City's Medical Marijuana Task Force. The Committee voted to support the recommendation of the Task Force urging the City Council to support State Senate Bill 187, which would require the State Department of Health Services to establish and maintain a voluntary medical marijuana qualified patient registry and identification system. If passed by the State, the bill would impose new responsibilities upon county health departments related to patient registry cards.

Russell

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-560.)

MOTION BY ATKINS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Pershing Middle School - Joint Use Agreement and Improvements.

(Navajo Community Area. District-7.)

(Continued from the meeting of September 10, 2001, Item 55, at the City Manager's request, for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0):

(O-2002-15 Cor. Copy) CONTINUED TO TUESDAY, OCTOBER 2, 2001

Authorizing the City Manager to execute a twenty-five year agreement for the construction, operation, maintenance, and lease of turfed fields and recreation facilities at Pershing Middle School with the San Diego Unified School District.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A348-396.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, OCTOBER 2, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-201: Ordinance Prohibiting Glass Beverage Containers Within Qualcomm Stadium Parking Facility.

(Mission Valley Community Area. District-6.)

(Continued from the meeting of September 10, 2001, Item 200, at the request of Councilmember Inzunza, to allow time for staff to come back with a full report regarding incidents with glass beverage containers.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-26 Cor. Copy) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending Chapter 5, Article 9, Division 1, of the San Diego Municipal Code by Amending section 59.0101 relating to Activities Prohibited within the Qualcomm Stadium Parking Facility; this ordinance shall take effect on January 1, 2002.

CITY MANAGER SUPPORTING INFORMATION:

Many people tailgating at Qualcomm Stadium bring glass beverage containers into the parking lot. In recent years, it seems that glass bottles are replacing aluminum cans as the container of choice for beer. People normally do not use the trash or recycling receptacles to dispose of them and just leave them all over the lot. This results in the following problems:

1. Vehicle tires are frequently damaged (customers and Stadium maintenance) when they drive over the glass to exit the lot;
2. People stepping on broken bottles;
3. Clean up of the lot is more time consuming and costly;
4. Glass bottles are not as attractive as aluminum cans for recycling, thus they become trash which is an additional expense and reduces the landfill capacity; and
5. The most urgent concern is that bottles are often used as weapons. Disturbances involving bottle throwing in the lot are not uncommon. There have been several serious head and facial injuries caused by bottles in the past few years.

Therefore, because of the above problems, it is proposed that a subsection be added to the existing Stadium Parking Facility Ordinance that would generally ban glass beverage containers in the lot. It would allow for Stadium Management to issue permits for controlled events where glass beverage containers would be permitted.

The proposed ordinance would not prohibit the drinking of alcohol in the parking lot or tailgating activities. It is only restricting the bringing in of glass beverage containers in order to alleviate the problems and possible liability caused by glass bottles.

Enforcement of this ordinance as with other prohibited activities in the parking lot, i.e. throwing balls, skateboarding, etc. will be done by the Police Department and enforced in the same manner. Verbal warnings will be issued before any citation is issued. It is expected that good publicity and signage would result in people complying.

The proposed ordinance is supported by the San Diego Chargers, San Diego Padres, San Diego State University and Holiday Bowl. The Qualcomm Stadium Advisory Board at their July 26, 2001 meeting unanimously recommended approval of the ordinance.

FISCAL IMPACT:

None.

Herring/Wilson/SMS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A348-396.)

MOTION BY WEAR TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-202: Adobe Falls Water Pump Station - Contract Award.

(Navajo Community Area. District-7.)

(Continued from the meeting of September 10, 2001, Item 100, at the request of the City Manager, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-332) ADOPTED AS RESOLUTION R-295503, WITH DIRECTIONS

Authorizing the City Manager to accept the low bid and award a phase funded contract to TC Construction Co., Inc. for the construction of the Adobe Falls Water Pump Station - Upgrade in the amount of \$3,058,396 which is 20% above the Engineer's estimate;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$583,275 from Water Fund 41500, CIP-73-263.0, Annual Allocation-Water Pump Station Restorations, to Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade, for the construction of the Adobe Falls Water Pump Station;

Authorizing the City and Auditor and Comptroller to expend an amount not to exceed \$891,075 from Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade, and expend an amount not to exceed \$45,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pool Contingency, for the construction costs of the Adobe Falls Water Pump Station provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On July 9, 2001, the City Council approved (R-295121) advertisement for bids and construction of the Adobe Falls Water Pump Station (formerly called the Alvarado Pump Plant). This new pump station is located on the northwest corner of Waring Road and Interstate 8, and it consists of five (5) energy efficient pumps and motors, new state of the art electrical and telemetry equipment, site piping which include the installation of a new 36-inch transmission main with gate valves and appurtenances, and replacement of various segments of the existing 36 inch pipe within the pump station.

The construction of this new pump station facility will provide a more reliable and efficient facility. It will save in electrical and maintenance costs, and also, it will allow the City to utilize a portion of its local water storage. The CIP Program has performed a community outreach program by meeting with the Allied Garden Community Council and the Navajo Community Planners. In addition, this project is mandated by the State of California Department of Health Services as part of Compliance Order No. 04-14-96-022 (Amendment # 7), Item No. 51 dated May 9, 2001.

On July 27, 2001, five (5) bids were received and opened with the low bid of \$3,058,396 submitted by TC Construction Co., Inc. However, TC Construction's bid came in higher than the engineer's estimate due to changes to the site piping system during the final stages of design, and an increase in electrical and instrumentation cost due to the bidding climate.

TC Construction Co., Inc. submitted the Subcontracting Outreach Program and the Equal Opportunity Contracting Program determined that TC Construction Co., Inc.'s bid is in compliance with the Subcontracting Outreach Program requirements and is considered to be a responsive low bidder on this project. It is noted that TC Construction Co., Inc. achieved a level of 21.84% in subcontractor participation which exceeded the 19% contract requirements. This action is to award the construction contract to TC Construction Co., Inc. and transfer funds for the additional construction related costs.

FISCAL IMPACT:

Funding in the amount of \$891,075 for the construction is available from the Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade and \$45,000 is available from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency.

Loveland/Gardner/NXX

Aud. Cert. 2200233.

FILE LOCATION:

CONT - TC Construction Co., Inc.

COUNCIL ACTION: (Tape location: D582-592.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTIONS TO CHANGE THE NAME FROM ADOBE FALLS PUMP STATION TO WARING ROAD PUMP STATION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: State of California Natural Communities Conservation Planning Grant Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-333) ADOPTED AS RESOLUTION R-295504

Authorizing the City Manager to submit an application to the State Natural Community Conservation Planning Grant Program for the Multiple Species Conservation Program preserve monitoring and management activities.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposals under the State's NCCP implementation grant program. The Multiple Species Conservation Program (MSCP) is the local equivalent of the State's Natural Communities Conservation Planning (NCCP) Program of which the City of San Diego is a participating member. The City of San Diego adopted the MSCP on March 18, 1997. These grants would allow the City to obtain State funding to fulfill tasks related to monitoring and management of lands within the MSCP. The five proposals are as follows:

- 1) **Comprehensive Vernal Pool Survey:** City staff would document all vernal pools within the City of San Diego, both private and publicly owned, and provide species specific survey and GIS mapping efforts for all accessible vernal pools (Grant Request: \$122,418.84)

- 2) **San Diego Thornmint Weed Eradication:** The City of San Diego is seeking funding to conduct weed removal at sites in the Sabre Springs, Black Mountain Ranch and Mission Trails Park areas in an effort to protect existing populations of San Diego Thornmint. San Diego Thornmint (*Acanthomintha ilicifolia*) is a Federally and State endangered plant as well as a narrow endemic under the City of San Diego's MSCP Subarea Plan. Weeds are invading the heavy clay soils where the existing Thornmint populations are preserved in permanent open space as a part of the City of San Diego's Multiple Habitat Planning Area. (Grant Request: \$19,875)
- 3) **Placing MSCP Documents Online:** Grant proposal to update the City's existing MSCP web page to make the City's MSCP Subarea Plan (March 1997), the Final MSCP Plan (August 1998), and the City's Annual Reports (complete with full text and maps) available to the public on-line. (Grant Request: \$5,604.31)
- 4) **San Diego River Management Plan:** The City would develop a preserve management plan for the San Diego River including an update of existing biological surveys, mapping of resources, identification of current and planned land uses, restoration and enhancement opportunities, and control of illegal activities (e.g. vagrant encampments) within biologically sensitive areas. This plan would serve to meet the area-specific management directives required by the MSCP and provide baseline information for a larger San Diego River Master Plan effort. (Grant Request: \$101,475.64)
- 5) **NCCP Coverage of Additional Eight Plant Species.** This grant would seek an amendment to the covered species list to include eight plant species on the City's incidental take list. The eight species are: California spinebrush, San Diego sagewort, summer holly, Orcutt's hazardia, salt marsh daisy, Baja California bird bush, ashy-spike moss, and scrub oak. The grant would cover the analysis of species distribution, the level of habitat conservation within the City, a determination of whether the data supports inclusion of coverage, preparation of the appropriate environmental review (CEQA and NEPA) and the amendment to the City's incidental take permit. (Grant Request: \$80,093.65)
- 6) **Monitoring Coastal Sage Scrub Succession in Marron Valley Using Digital Imaging Technology.** The City has placed a conservation easement over Marron Valley, one of the City's four cornerstone lands, totaling 2,644 acres. Marron Valley was mapped as high quality coastal sage scrub during the MSCP vegetation mapping in 1992. A subsequent fire in 1995 burned a large majority of the property. The proposed grant would fund work with San Diego State to implement the use of digital imagery to evaluate the condition and successional change of the coastal sage scrub vegetation in Marron Valley. (Grant Request: \$144,042.12)

FISCAL IMPACT:

If all grants are approved, a total of \$473,509.56 would be received from the State under the proposed grants. City matching in-kind services would total \$59,678.08 consisting of work already budgeted in the Multiple Species Conservation Program's on-going work program.

Uberuaga/Goldberg/JPH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D595-634.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: State of California Wildlife Conservation Board (WCB) Grant.

(Del Mar Mesa Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-330) ADOPTED AS RESOLUTION R-295505

Authorizing the submission of an application to the State Wildlife Conservation Board for Open Space Acquisition.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of a \$950,000 grant from the State of California Wildlife Conservation Board to assist in the acquisition of one or more properties within the Del Mar Mesa area of the City of San Diego. The \$950,000 grant would be funded by the U.S. Department of Interior through a cooperative agreement with the State. The State would approve the cooperative agreement and disbursement of federal funds to the City.

The grant will require a 100% match (every grant dollar would need to be matched with a dollar from the City). Subject to future Council approval, the local match would come from the Habitat Acquisition Fund. Funds are available in the Habitat Acquisition Fund for matching purposes.

FISCAL IMPACT:

A total of \$950,000 would be received under the proposed WCB grant. A required local match of \$950,000 would be required.

Loveland/Goldberg/KG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D637-E026.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-205: License Agreement Between the City of San Diego and CityNet Telecommunications, Inc.

(See City Manager Report CMR-01-193.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-403) REFERRED TO NR&C COMMITTEE

Authorizing the City Manager to enter into a License Agreement with CityNet Telecommunications, Inc., for the installation of fiber optic cable within the City's sewer and stormwater collection systems for the Downtown, Mission Valley and Golden Triangle areas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C005-D200.)

MOTION BY MADAFFER TO REFER TO THE NR&C COMMITTEE FOR FURTHER DISCUSSION AND REVIEW WITH THE FOLLOWING DIRECTIONS: THE CITY ATTORNEY AND CITY MANAGER ARE DIRECTED TO REVIEW AND RESEARCH THE AGREEMENT AND THE CITY ATTORNEY IS DIRECTED TO PROVIDE A LEGAL OPINION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-206: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

- A. Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena Site (APN-441-590-04).
- Agency Negotiator: Real Estate Assets Director
- Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.
- Under Negotiation: Terms of New Ground Lease Agreement for three pad sites to be used by retail subtenants.
- B. Property: Peninsula YMCA (APN-449-110-09).
- Agency Negotiator: Real Estate Assets Director
- Negotiating Parties: YMCA
- Under Negotiation: Lease extension terms (APN-449-110-09).

- C. Property: A portion of Camp Nimitz at Liberty Station (formerly NTC) (APN-450-790-04).
- Agency Negotiator: Real Estate Assets Director
- Negotiating Parties: Joint Powers Authority for the San Diego Regional Public Safety Training Institute consisting of the City of San Diego, County of San Diego and the San Diego Community College District.
- Under Negotiation: Terms of Lease for the San Diego Regional Public Safety Training Institute.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

REFERRED TO CLOSED SESSION

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on September 25, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

Hearing closed.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E028-036.)

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	through 11/20/2001	to 105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney

Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-251: Settlement of Claim by Barratt American, Incorporated.

(R-2002-265)

Adopted as Resolution R-295258.

A Resolution approved by the City Council in Closed Session on Tuesday, July 31, 2001, by the following vote: Peters-yea; Wear-not present; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the City's imposition of regulatory fees in connection with residential development projects pursued by Barratt American, Inc. (Superior Court Case No. 743672 and GIC-760826, Barratt American, Inc. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Barratt American, Incorporated in full settlement of all claims.

Authorizing the City Manager to execute a settlement agreement which commits the Development Services Department to conduct a fee study regarding building permit and plan check fees to be completed by June 30, 2002.

Aud. Cert. 2200126.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Cabrillo Festival Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-411) ADOPTED AS RESOLUTION R-295506

Proclaiming September 23-30, 2001 to be "Cabrillo Festival Week 2001" in San Diego and encouraging San Diegans to join in the commemoration of this historic event.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A124-182.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S401: Amending the Schedule of Meetings for the City Council to Schedule a Quarterly Night Meeting at 4:00 p.m. on 10/1/2001; Canceling the Regularly Scheduled 2:00 p.m. Council Meeting of 10/1/2001; Ceremonial and Consent Items Will Be Moved to 10/2/2001.

(See memorandum from Mayor Murphy dated 9/14/2001. San Ysidro Community Area. District-8.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-414) ADOPTED AS RESOLUTION R-295507

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2001 through December 31, 2001, a copy of which is on file in the office of the City Clerk as Document No. RR-294340, to schedule a quarterly evening meeting for the fourth quarter of 2001 to start at 4:00 p.m. on October 1, 2001, at the San Ysidro Multi Cultural Complex located at 4345 Otay Mesa Road in District 8;

Declaring that the regularly scheduled 2 p.m. Council meeting of October 1, 2001, is canceled and the ceremonial and consent items normally heard on Monday will be moved to Tuesday, October 2, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-497.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S402: Paid Military Leave of Absence and Continued Benefits for City Employees Called to Active Duty.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-449) ADOPTED AS RESOLUTION R-295508

Providing for additional temporary partially paid military leave of absence and continued benefits for City employees called to active duty with the armed forces by the President.

SUPPORTING INFORMATION:

The City's standard Military Leave policy provides for up to 30 days of paid leave and benefits for employees called to active military duty. This policy generally provides adequate maintenance of salary and benefits for employees in military reserves or National Guard service. During the major military deployments, City employees would be subject to significant economic hardship under the standard policy. During the Desert Storm Operation and Bosnia Peace Keeping Operation, the City Council approved a temporary paid military leave policy to provide the difference, if any, between military service compensation and City compensation and City benefits beyond the first 30 days currently outlined in Council Resolution R-277351 adopted on February 11, 1991. This benefit was offered in addition to the Standard Military Leave Policy. In February 1996, pursuant to Council Resolution R-286954, the policy was reinstated for employees called to military service for the Bosnia peacekeeping mission and other Presidential call-ups of reserves for active duty. Within the spirit of Council Resolution R-286954, it is recommended that the compensation and benefits be extended and that they cover

the period during which an employee is called and serves in an active duty military status. This Resolution will be returned to the Council for additional consideration if the Presidential call-ups increase substantially in scope or longevity, creating unanticipated fiscal impacts.

FISCAL IMPACT:

Any cost associated with this action will be absorbed within currently budgeted personnel expenses.

Madaffer/AF

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B502-612.)

MOTION BY MADAFFER TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S403: Tony Gwynn Week.

(Continued from the meeting of 9/17/2001, Item 102, at the request of Councilmember Maienschein, for full Council to be able to attend.)

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-376) ADOPTED AS AMENDED AS RESOLUTION R-295509,

Commending Tony Gwynn for the accomplishments, talent and contributions he brings to the City of San Diego;

Proclaiming September 22 through September 29, 2001 to be “Tony Gwynn Week” in the City of San Diego.

SUPPORTING INFORMATION:

Tony Gwynn marks his 20th season as Number 19 of the San Diego Padres. He has been an admired and dynamic member of the San Diego community. His highlights of accomplishments include the following: Tony is marked as one of the greatest hitters in baseball history with a total of 3,124 hits, a 15-time All-Star, and stands 16th on the list; the winner of the record-tying eight National League Batting Championship; the Padres Career Leader in nearly every offensive category, with a .338 average in each of the 18 consecutive seasons, the longest streak in National League history; a recipient of several awards, including the 1999 Roberto Clemente Award which recognizes the player with the best sportsmanship and community involvement; a recipient of the 1995 Branch Ricky Award, as the top community activist in Major League Baseball and inducted into the World Sports Humanitarian Hall of Fame in Boise, Idaho.

Tony will retire at the conclusion of the 2001 season where he leaves a legacy of loyalty and longevity. He will go down in history as one of the greatest hitters to ever play Major League Baseball. Therefore, proclaiming September 22-29, 2001 to be “Tony Gwynn Week,” in the City of San Diego.

Balolong

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E037-056.)

MOTION BY MADAFFER TO ADOPT AS AMENDED CHANGING TONY GWYNN WEEK TO OCTOBER 1, 2001 THROUGH OCTOBER 7, 2001. Second by Wear.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:19 p.m. in honor of the memory of Kevin Mineo as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F263-309).